

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
1:21-CV-00765

THE MCCLATCHY COMPANY d/b/a
THE NEWS AND OBSERVER
PUBLISHING COMPANY; CAPITOL
BROADCASTING COMPANY,
INCORPORATED; DEMAYO LAW
OFFICES, LLP; MARCARI, RUSSOTTO,
SPENCER & BALABAN, P.C.

Plaintiffs,

v.

TOWN OF CHAPEL HILL, NORTH
CAROLINA,

Defendant.

JOINT RULE 26(f) REPORT

1. Pursuant to Fed.R.Civ.P. 26(f) and LR 16.1(b), a telephone conference was held on January 5, 2022, and was attended by Bradley M. Risinger for Plaintiffs and Dan Hartzog, Jr. for Defendant Town of Chapel Hill, North Carolina.

2. The parties will exchange the information required under Fed. R. Civ. P. 26(a)(1) within fourteen (14) days of approval of this report by the Court. Documents required to be disclosed under Rule 26(a)(1)(ii) or (iv) or provided produced pursuant to Rule 34 shall be provided (and not merely made available for inspection and copying) to the opposing party by said date either electronically or in hard copy.

3. Discovery Plan. The parties propose to the Court the following discovery plan:

- a. The “commencement date” of discovery will be: January 21, 2022.
- b. Discovery will be needed on all matters raised by the pleadings. Because the case involves a request for a declaratory judgment regarding the meaning and application of a federal statute, the parties expect that their discovery needs will be relatively modest.
- c. Discovery should be placed on a case-management track established in LR 26.1. The parties agree that the appropriate plan for this case is that designated in LR 26.1(a)(1) as: Standard, with a modification that discovery be completed within five (5) months instead of the presumptive four (4). The parties agree that the presumptive limitations on interrogatories, requests for admission and depositions in the Standard track should apply.
- d. The date for completion of all discovery (general and expert) is June 21, 2022.
- e. Reports required by Rule 26(a)(2)(B) and disclosures required by Rule 26(a)(2)(C) are due by April 26, 2022. If any such report and disclosure is timely made, the opposing party may serve corresponding rebuttal reports and disclosures by May 24, 2022.

Supplementations will be as provided in Rule 26(e) or as otherwise ordered by the Court.

4. Mediation. Mediation should be conducted midway in the discovery period, the exact date to be set by the mediator after consultation with the parties. The parties agree that the mediator shall be Robert Beason.

5. Preliminary Deposition Schedule. Preliminarily, the parties agree that all depositions shall be completed by June 21, 2022. The parties will update this schedule at reasonable intervals.

6. Other items.

- a. Plaintiffs should be allowed until March 11, 2022 to request leave to join additional parties or amend pleadings. Defendant should be allowed until March 11, 2022 to request leave to join additional parties or amend pleadings. After these dates, the Court will consider, *inter alia*, whether the granting of leave would delay trial.
- b. The parties agree that electronically stored information may be produced in pdf or single-page tiff format.
- c. The parties have discussed special procedures for managing this case, including reference of the case to a Magistrate Judge on consent of the parties under 28 U.S.C. §§636(c), or appointment of a master. They have agreed that reference to a magistrate judge or a master will not be necessary.
- d. Dispositive motions, if any, shall be filed in accordance with Local Rule 56.1.

- e. Trial of the action is expected to take approximately two (2) days. A jury trial has been demanded.
- f. The parties discussed whether the case will involve the possibility of confidential or sealed documents, and they do not believe the case will involve such documents. Thus, the parties have not filed a separate report under LR 5.5.

Respectfully submitted, this the 19th day of January 2022.

/s/Bradley M. Risinger

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